



RECEIVED STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEC 23 2003 (See Issuing Division below)
PERMIT*



FRANCHISE MANAGEMENT

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1316-03-0006.1 FHA 030001
1316-03-0006.1 FWW 030001 (FWIP)

Issuance Date	DEC 12 2003	Effective Date	DEC 12 2003	Expiration Date	DEC 12 2008
---------------	-------------	----------------	-------------	-----------------	-------------

Name and Address of Applicant
NJDOT-Mahesh Patel, P.E.
1035 Parkway Avenue, CN 600
Trenton, NJ 08625

Name and Address of Owner

Name and Address of Operator

Location of Activity/Facility (Street Address)

Lot: N/A Block: N/A

Issuing Division

Land Use Regulation Program

Statute(s)
NJSA 13:9B
NJSA 58:10A
NJSA 58:16A-50

Type of Permit	Stream Encroachment Freshwater Wetlands
----------------	--

Maximum Approved Capacity,
if applicable

This permit grants permission to:

Replace three (3) existing culverts; two (2) along an unnamed tributary to Applegate's Creek under Kozloski Road and State Highway Route 33B, one (1) along Applegate's Creek under State Highway Route 33B, construct a new 12'x 5' box culvert along the unnamed tributary under Ramp "C", extend the existing 6' pipe culvert under Halls Mill/Kozloski Road, and construct three (3) storm water outfalls, associated with the proposed road improvements at the Route 33B, Halls Mill/Kozloski Road interchange, consisting of road widening and realignment, as well as construction of new ramps, all of which will result in the impact of 1.074 acres of wetlands/State open waters, in the Township of Freehold, County of Monmouth, New Jersey.

Prepared By:

Michael Alemzadeh

Charles Welch

(See page 9 for Manager's signature)

Revised Date

Approved by the Department of Environmental Protection

[illegible]

Signature _____ Title _____

97-241-0001

Terms And Conditions

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. Limit and Extent of Approval
 - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
 - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.
10. Method of Construction

Terms And Conditions

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

1. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.

Terms And Conditions

12. I.P. ADMINISTRATIVE CONDITIONS

This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.

This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.

Prior to any construction activities, the permittee must receive authorization from the Freehold Soil Conservation District.

This project shall compensate for the loss of wetlands associated with the project. The 1.074 acres (43,744 square feet) of Freshwater Wetlands and State Open Waters shall be mitigated on a 2:1 ratio through either an on-site or off-site creation, restoration or enhancement project as detailed below. Mitigation shall be performed prior to or, concurrent with activities that will permanently disturb the wetlands.

For an on-site or off-site individual mitigation project the permittee must submit a mitigation proposal to the Land Use Regulation Program, to create, enhance or restore an area of wetlands of equal ecological value to those, which will be lost by the authorized activity for review and approval. Attached to this permit is a list of the necessary information that must be included in that on-site or off-site mitigation proposal. If the permittee is proposing to construct a wetland creation or restoration project, two acres of creation or restoration must be performed for each acre disturbed and the mitigation area must, in addition to this, include a 50 foot (50/150 choose the appropriate transition area) transition area. The slope of the created transition area must be fairly flat and therefore have a slope no greater than 10:1. If the permittee is proposing to construct a wetland enhancement project, the ratio of wetlands enhanced to wetlands disturbed shall be sufficient to replace loss of ecological value from the permitted project and shall be approved by the Program. The following conditions and information must be adhered to when performing mitigation off-site.

Submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site.

Once the Program has approved the conceptual plan of the mitigation project the permittee must submit a final design of the mitigation project and include all the items listed on the attached on-site/off-site mitigation proposal checklist.

The mitigation project must be conducted prior to or concurrent with the construction of the approved project.

Terms And Conditions

The permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.

The permittee shall notify the Land Use Regulation Program, in writing, at least 14 days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Program.

The mitigation designer must be present during critical stages of construction of the mitigation project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection.

Immediately following final grading of the site, a disc must be run over the site to eliminate compaction. Mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.

Immediately following the final grading of the mitigation site and prior to planting, the permittee shall notify the Program for a post-grading construction meeting between the permittee, contractor, consultant and the Program.

Immediately following final grading and planting of the wetland mitigation project, the permittee shall notify the Land Use Regulation Program, in writing that the construction of the mitigation project has been completed in accordance with the approved plan. In addition to the notice, the permittee shall submit as built plans of the site and photos with a photo location map of the completed project.

The permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited. The sign must also state the name of the engineering/environmental firm that designed and constructed the mitigation site with a phone number. In addition, the permittee shall visibly mark/staked (oak stakes) the extent of the wetland mitigation area and ensure the stakes remain that way for the entire monitoring period with the location of those stakes shown on the as built plan.

If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected.

The permittee shall monitor the wetland mitigation project for 5 full growing seasons if it is a proposed forested wetland and for 3 full growing seasons for a scrub/shrub or emergent wetland after the mitigation project has been constructed. The permittee shall submit monitoring reports

Terms And Conditions

to the Land Use Regulation Program no later than November 15th of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).

Throughout the monitoring period, the permittee must eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site.

All monitoring report will include all the following information (see attached monitoring report checklist):

i. The monitoring reports submitted prior to the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);

ii. The monitoring reports submitted prior to the final one must include documentation that the site is progressing towards the 85 percent survival and percent areal coverage of mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. If the permittee is finding problems with the mitigation project and does not anticipate the site will or has achieved the 85 percent survival and 85 percent areal coverage criteria then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

iii. Documentation to demonstrate the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose). If the site is more than 10 percent occupied by invasive or noxious species then the monitoring report must include a proposed remediation plan and a time frame in which it will be completed.

Terms And Conditions

iv. Demonstrate through soil borings and a soil test that a minimum six inch layer of top-soil or A-Horizon was used/retained on the mitigation site and if the natural top-soil was used at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials. If the site fails to meet this standard the monitoring report must include a proposed remediation plan and a time frame in which it will be completed. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil; and

v. The monitoring reports submitted prior to the final report must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

- i. That the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows 2.148 acres of emergent/scrub shrub/forested wetlands have been created/restored/enhanced;
- ii. The site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the monitoring planting plan;
- iii. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);

Terms And Conditions

- iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
- v. That the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure.

13. PHYSICAL CONDITIONS

All disturbed upland areas should be planted with a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment. Your local soil conservation service can provide information on the appropriate mixture based on the planting date and drainage.

In order to protect warm water fisheries within the stream corridors, proposed grading or construction activities within the banks of this or any stream on-site are prohibited between May 1st. through June 30th. of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this water course which could introduce sediment into said stream or which would cause an increase in the natural level of turbidity is prohibited during this period. The Department reserves the right to suspend all regulated activities on-site should it be determined that the permittee has not taken proper precautions to ensure compliance with this condition.

All excavated materials must be disposed of at an approved site. Under no circumstances is excess material to be disposed of in wetlands, transition areas to wetlands, stream corridors, or other environmentally sensitive areas.

~~In-stream sediment filter bags shall remain in place until all in-water work is complete. These barriers shall be removed once work is complete.~~

No raw concrete shall come in contact with the water. Any grout/concrete that comes in contact with the water must be removed immediately. No pumped water from grout/concrete operations may be discharged directly to the stream corridor. All pumped water shall be discharged to a holding tank and disposed of properly.

All substrate removed for construction activities, must be stockpiled outside freshwater wetlands, transition areas and State open waters. The replaced native substrate must be placed to meet existing stream bottom invert and cross-channel profiles as found immediately upstream and downstream of the crossings

Terms And Conditions

The proposed rip-rap shall be embedded in stream bed and be concave shaped to concentrate low water flows.

During construction, all excavation must be adequately monitored for the presence of acid-producing deposits. If any such deposits are encountered, the mitigation and disposal standards outlined in Section 2.5 of the "Stream Encroachment Technical Manual" must be implemented. An annual post-planting monitoring program must be established to ensure that the re-establishment of vegetation in all disturbed areas and in each individual basin shall have a minimum of 85% plant survival coverage rate after two complete growing seasons. Failure to achieve this survival rate will require the implementation of additional corrective measures and/or the re-evaluation of this acid producing soils mitigation proposal to ensure that 85% survival rate requirement.

14. The drawings hereby approved are 15 sheets prepared by Michael Baker Jr., Inc., undated, last revised December 1, 2003, unless otherwise noted, entitled:

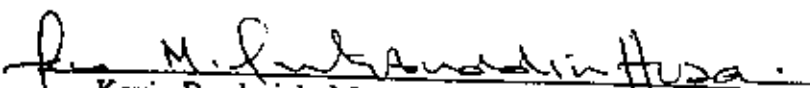
"PROJECT MAP NJDEP PERMIT PLANS STREAM ENCROACHMENT PERMIT ROUTE 33B AND HALLS MILL/KOZLOSKI ROAD CONTRACT NO. 004970241", sheet P-1 of P-7,

"NJDEP PERMIT PLANS STREAM ENCROACHMENT PERMIT ROUTE 33B AND HALLS MILL/KOZLOSKI ROAD CONTRACT NO. 004970241", sheets P-2 of P-7 through P-7 of P-7,

"STORMWATER MANAGEMENT DETAILS ROUTE 33B AND HALLS MILL/KOZLOSKI ROAD CONTRACT NO. 004970241", sheet D-1 of D-1,

"NJDEP FRESHWATER WETLANDS INDIVIDUAL PERMIT PLAN ROUTE 33B AND HALLS MILL/KOZLOSKI ROAD CONTRACT NO. 004970241", sheets IP-1, IP-3, IP-4, IP-5, IP-6 and IP-7 of IP-7, last revised December 8, 2003, and

"NJDEP FRESHWATER WETLANDS INDIVIDUAL PERMIT PLAN ROUTE 33B AND HALLS MILL/KOZLOSKI ROAD CONTRACT NO. 004970241 WETLAND DELINEATION MAP & INDEX", sheet IP-2 of IP-7, last revised December 8, 2003.


Kevin Broderick, Manager
Bureau of Coastal Regulation

12/12/03
Date